



City of San Antonio

Legislation Details (With Text)

File #: 17-1138
Type: Zoning Case
In control: Board of Adjustment
On agenda: 1/9/2017
Title: A-17-035: A request by Juana Lopez for a special exception to allow a six foot tall solid fence in the front yard, located at 8754 Seven Seas. Staff recommends Approval. (Council District 4)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-17-035 Photos, 2. A-17-035 Site Plan, 3. BOA17-035NPA, 4. BOA17-035PP

Date	Ver.	Action By	Action	Result
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Case Number: A-17-035
Applicant: Juan and Juana M. Lopez
Owner: Juan and Juana M. Lopez
Council District: 4
Location: 8754 Seven Seas
Legal: Lot 32, Block 32, NCB 17512
Description:
Zoning: “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for a special exception to allow a six foot solid wooden fence in the front yard, as described in Section 35-514 (c)(2).

Executive Summary

The property is located within the Lackland City Subdivision Unit 240. The owner recently constructed a six foot solid wood fence on the side property that extends to the front of the property. The fence was built for additional screening and privacy for the subject property owner. The fence does not conflict with the Clear Vision requirements that prohibit the construction of fences taller than three feet within 15 feet of a driveway or alley.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
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"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
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Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwellings

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the United Southwest Plan and currently designated Low Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Southwest Community Neighborhood Association and they were asked to comment.

Criteria for Review

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

A. The special exception will be in harmony with the spirit and purpose of the chapter.

The UDC states the Board of Adjustment can grant a special exception for a fence height modification up to eight (8) feet. The additional fence height is intended to provide safety, security, and privacy of the applicant. If granted, this request would be in harmony with the spirit and purpose of the ordinance.

B. The public welfare and convenience will be substantially served.

In this case, these criteria are represented by maximum fence heights to protect home owners, and neighboring properties, and to also provide uniformity throughout communities. A six foot fence was built to provide privacy for the family and their property. This is not contrary to the public welfare and justice will be served as the fence does not hinder the adjacent property line of vision from their driveway.

C. The neighboring property will not be substantially injured by such proposed use.

The fence will create enhanced security for the subject property and is highly unlikely to injure adjacent properties. Further, the fence does not obscure the neighboring property's vision from their driveway and does not interfere with the Clear Vision requirements.

D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The fencing does not detract from the character of the neighborhood. Several properties include six foot solid wood privacy screening on the lot. It is unlikely to go noticed by passersby.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The purpose of the fencing standards is to protect the health, safety and general welfare of the public, enhance property values, and improve the appearance of the community. The owner wishes to keep the six foot fencing to provide additional screening and privacy for their family. Therefore, the requested special exception will not weaken the general purpose of the district.

Alternative to Applicant's Request

The applicant could remove, or lower the height of, the six foot front yard fencing.

Staff Recommendation

Staff recommends **APPROVAL** of the requested special exception in **A-17-035** based on the following findings of fact:

1. The
fencing
does
not
interfer
e with
Clear
Vision
require
ments;

2. The fencing does not detract from the character of the neighborhood.